No. 71-944

MICHAEL RODAK, JR., CLERK

# In the Supreme Court of the United States

OCTOBER TERM, 1971

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MORRIS SALETKO, PETITIONER

*v.*

UNITED STATES OF AMERICA

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*ON PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT*

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## MEMORANDUM FOR THE UNITED STATES IN OPPOSITION

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ERWIN N. GRISWOLD,
*Solicitor General,*
*Department of Justice,*
*Washington, D.C. 20530.*

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After a jury trial in the United States District Court for the Northern District of Illinois, petitioner was convicted of possession of goods stolen from interstate commerce, knowing them to have been stolen, in violation of 18 U.S.C. 659. He was sentenced to eight years' imprisonment. The relevant facts are set out in the opinion of the court of appeals which affirmed (Pet. App. A 1-13).

Petitioner contends that there was an improper limitation on his right to cross-examine a government

witness as to his present address and place of employment, and that instructions he proffered regarding the credibility of a witness should have been given. These claims are answered in the thorough opinion below on which we rely.[1]

It is therefore respectfully submitted that the petition for a writ of certiorari should be denied.

ERWIN N. GRISWOLD,
*Solicitor General.*

MARCH 1972.

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[1] In addition to the cases cited on the failure to permit disclosure, see *United States* v. *Lawler*, 413 F. 2d 622, 627 (C.A. 7), certiorari denied, 396 U.S. 1046. With respect to the giving of the challenged instruction that the jury could consider the defendant's interest in the outcome of the case as bearing on his credibility, see *Nelson* v. *United States*, 415 F. 2d 483, 487 (C.A. 5), certiorari denied, 396 U.S. 1060.

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